

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ECF Case

HUBIE WRIGHT,

Plaintiff,

-against-

GLEN ARBOR GOLF CLUB,

Defendant.

**07 CIV. 9492**

**COMPLAINT**  
**PLAINTIFF DEMANDS**  
**A JURY TRIAL**

**JUDGE KARAS**

FILED  
U.S. DISTRICT COURT  
2007 OCT 24 A 11:00  
S.D. OF N.Y. W.P.

Plaintiff, **HUBIE WRIGHT**, by his attorneys, **ROBERT DAVID GOODSTEIN, ESQ.**,  
complaining of the defendant, **GLEN ARBOR GOLF CLUB** (hereinafter "GLEN ARBOR"),  
alleges as follows:

1. This is an action for compensatory damages and punitive damages on behalf of plaintiff. This suit is authorized pursuant to Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e et. seq.) and the New York State Human Rights Law (NYS Executive Law §290 et. seq.). Jurisdiction of this Court is invoked pursuant to 42 U.S.C. §2000e-5, 28 U.S.C. §§1331 and 1343, and under the principle of pendent jurisdiction. Jurisdiction of this Court is invoked to secure protection of, and redress deprivation of, plaintiff's rights secured by Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e et. seq.) Prohibiting retaliation against anyone who has opposed unlawful practices and/or filed a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing pursuant to Title VII and the New York State Executive Law §290 et. seq. (Human Rights Law), prohibiting discrimination in employment because of retaliation.

### **PARTIES**

2. Plaintiff, **HUBIE WRIGHT**, is an African-American male residing in the Bronx, New York. Plaintiff is an individual and, therefore, a “person” within the meaning of 42 U.S.C. §2000e(a).

3. Defendant, **GLEN ARBOR**, is an employer doing business pursuant to the laws of the State of New York with facilities located at 234 Bedford Center Road, Bedford, New York, 10507 in the County of Westchester.

4. Defendant is an “employer” as defined by 42 U.S.C. §2000e(b), since it is engaged in an industry affecting commerce, and since it had more than fifteen (15) employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year.

5. Defendant is also an “employer” within the meaning of N.Y.S. Executive Law §292(5), since it had more than four (4) persons in its employ at all relevant times.

### **FACTS**

6. Plaintiff was a seasonal employee of Defendant commencing in 2003, working April through November.

7. After being laid-off at the end of the season in 2003, 2004, and Defendant contacted Plaintiff to return for the following season in 2004 and 2005.

8. Mr. Wright filed a Complaint with the New York State Division of Human Rights and the Equal Opportunity Employment Commission in August 2005. (A copy of this charge is annexed as **Exhibit “1”**).

9. In November 2005 it was withdrawn at his request. (A copy of this Memorandum of the EEOC confirming this withdraw is annexed as **Exhibit “2”**)

10. He was laid off as a seasonal employee in November 2005.

11. However, for the first time, he was not contacted by Glen Arbor Golf Club in April 2006 regarding returning to work. An advertisement was placed in the Journal News to fill Mr. Wright's position.

12. However, Mr. Wright continued to wait expecting a telephone call from Glen Arbor Golf Club to return plaintiff to work in April 2006.

13. When plaintiff had not heard from defendant by June 2006, he telephoned the defendant inquiring about plaintiff's position and, at that time, plaintiff was told that no position was available for him.

14. Plaintiff, WRIGHT, filed a Charge of Discrimination with the Equal Employment Opportunity Commission (**Exhibit "3"**), and received a Notice of Right to Sue (**Exhibit "4"**). This action is brought within ninety (90) days of the issuance of said Notice of Right to Sue.

**AS AND FOR PLAINTIFF'S FEDERAL CAUSE OF ACTION**

15. Defendant, GLEN ARBOR, engaged in an unlawful employment practice, by discriminating against plaintiff based on of reprisal, because plaintiff opposed an unlawful employment practice, and/or because plaintiff filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing pursuant to Title VII, when defendant sanctioned, condoned and/or permitted plaintiff's termination and/or failure to recall, in violation of Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e et. seq.).

**AS AND FOR PLAINTIFF'S PENDENT STATE CAUSE OF ACTION**

16. Defendant, GLEN ARBOR, engaged in unlawful discriminatory practices by discriminating against plaintiff by terminating plaintiff from employment and/or failing to recall plaintiff because of retaliation, in violation of N.Y.S. Executive Law §290 et. seq.

17. Plaintiff demands a jury trial on all claims.

**WHEREFORE**, plaintiff demands judgment against the defendant as follows:

On Plaintiff's Title VII Federal Cause of Action:

- i. An award of compensatory and/or punitive damages, pursuant to Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e et. seq.), in the amount of Three Hundred Thousand Dollars (\$300,000.00);
- ii. An award of back pay and lost benefits from April 2006, to date;
- iii. An award of reasonable attorneys' fees, together with costs and disbursements of this action, pursuant to Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e et. seq.); and
- iv. Costs and interest from April 2006.

On Plaintiff's Pendent State Cause of Action:

- i. An award of damages in the amount of Five Hundred Thousand Dollars (\$500,000.00); and
- ii. Costs and interest from April 2006.

DATED: New Rochelle, New York  
October 22, 2007

Yours, etc.,

**ROBERT DAVID GOODSTEIN, ESQ.**

BY: 

**ROBERT DAVID GOODSTEIN (RDG5443)**

Attorneys for Plaintiff

**HUBIE WRIGHT**

56 Harrison Street, Suite 401  
New Rochelle, New York 10801  
(914)632-8382

**Plaintiff's Documents**  
**Exhibit #1**

STATE DIVISION OF HUMAN RIGHTS  
STATE OF NEW YORK : EXECUTIVE DEPARTMENT

STATE DIVISION OF HUMAN RIGHTS  
on the Complaint of

HUBIE WRIGHT

Complainant:

v.

GLEN ARBOR GOLF CLUB

Respondent:

VERIFIED COMPLAINT  
Pursuant to Executive  
Law, Article 15

Case No.  
**10107165**

Federal Charge No. 16GA504571

I, Hubie Wright, residing at 1075 Nelson Ave. Bronx, New York 10452 charge the above named respondent, whose address is 234 Bedford Center Rd., Bedford, NY, 10507 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of race/color.

Date most recent or continuing discrimination took place is 8/8/2005.

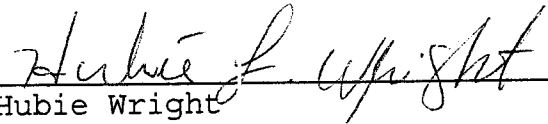
The particulars are:

1. I am Black and because of this, I have been subjected to unlawful discriminatory actions.
2. I was hired by the Respondent May 12, 2003 as a Locker Room Attendant. I quit my job sometime in 2004, because my Hispanic co-worker was taking our tips and sharing it with the manager, David Forster, Caucasian.
3. I was called back to work in 2004 and I accepted the position. However, my hours were cut from seven to six.
4. I believe that my hours were cut because the tips come in at the time I am scheduled to leave work. 2:00 pm
5. The Hispanic employees are given a day off during the weekend while I must work both weekend days. I only get one Sunday a month off.
6. Mr. David Forster, Manager always seems to keep me off the schedule when there is an opportunity for me to make tips.

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of race/color, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondent with violating Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex relating to employment). I hereby authorize SDHR to accept this verified complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

I have not commenced any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

  
Hubie Wright

Complaint

SDHR Case No. 10107165

Hubie Wright v. Glen Arbor Golf Club

STATE OF NEW YORK )  
COUNTY OF ) SS:

Hubie Wright, being duly sworn, deposes and says: that he/she is the complainant herein; that he/she has read (or had read to him or her) the foregoing complaint and knows the content thereof; that the same is true of his/her own knowledge except as to the matters therein stated on information and belief; and that as to those matters, he/she believes the same to be true.

Hubie L. Wright  
Hubie Wright

Subscribed and sworn to  
before me this 8<sup>th</sup> day  
of Aug, 2005.

Carmen Quiones  
Signature of Notary Public

CARMEN QUIONES  
Notary Public, State of New York  
No. 01 QU6071748  
Qualified in Bronx County  
Commission Expires March 25, 2006

HUBIE L. WRIGHT.



## Plaintiff's Documents Exhibit #2



**U.S. Equal Employment Opportunity Commission  
New York District Office - 520**

33 Whitehall Street  
5th Floor  
New York, NY 10004  
(212) 336-3620  
TTY (212) 336-3622  
FAX (212) 336-3625  
1-800-669-4000

GLEN ARBOR GOLF CLUB  
EEOC No: 16G-2005-04571  
FEPA No: 10107165 - 1B

Hubie Wright  
1075 Nelson Avenue, Apt. 2d  
Bronx, NY 10452

Dear Sir/Madam:

Your charge of employment discrimination has been withdrawn in accordance with your request.

On Behalf of the Commission:

A handwritten signature in dark ink, appearing to read "Spencer H. Lewis, Jr.", is written over a horizontal line.

Feb 13, 2006

Date

Spencer H. Lewis, Jr.  
Director

cc:

**Plaintiff's Documents**  
**Exhibit #3**

FILED

EEOC

Retaliation

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

Mr. Hubie Wright

HOME TELEPHONE (Include Area Code)

718-588-2868

STREET ADDRESS

CITY, STATE AND ZIP CODE

1075 NELSON AVE BRONX NY 10452

DATE OF BIRTH

6-2-50

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

40

TELEPHONE (Include Area Code)

914-241-0700

STREET ADDRESS

CITY, STATE AND ZIP CODE

234-BEDFORD CENTER RD. BEDFORD HILLS NY

COUNTY

WESTCHESTER

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN

☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE  
EARLIEST LATEST

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I WAS TERMINATED IN NOV 2005, AND WAS NOT TOLD  
UNTIL, JUNE OF 2006  
WHEN I INQUIRE ABOUT COMING BACK

RECORDED  
2007 JUL 10 AM 11:46  
EEOC-NY00

NOTAR Public State of New York (Notar Public State of New York Local Requirements)

No. 01YE5015305  
Qualified in Kings County  
Commission Expires 7/19/2009

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Hubie L. Wright

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(Day, month, and year)

18 7 06

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

Hubie L. Wright

Date 7-18-06 Charging Party (Signature)

**Plaintiff's Documents**  
**Exhibit #4**

**DISMISSAL AND NOTICE OF RIGHTS**

To: **Mr. Hubie Wright**  
**1075 Nelson Avenue**  
**Apt. 2D**  
**Bronx, NY 10452**

From: **Equal Employment Opportunity Commission**  
**New York District Office**  
**33 Whitehall Street, 5<sup>th</sup> Floor**  
**New York, New York 10004-2112**

☐

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

**520-2006-02932****Joan Marchese****(212) 336-3782****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans with Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statute(s).

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.

☐

Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.

☐

While reasonable efforts were made to locate you, we were not able to do so.

☐

You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

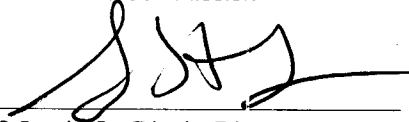
**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Spencer H. Lewis, Jr., District Director

8/15/07  
(Date Mailed)

Enclosure(s)

cc: **Glen Arbor Golf Club**